

CITY OF SHERWOOD  
Staff Report

October 17, 2013  
File No: SP 13-01  
Pacific Family Dental  
Parking Lot

To: Hearing Officer

Pre-App. Meeting:	October 15, 2012
App. Submitted:	July 19, 2013
App. Complete:	August 19, 2013
120-Day Deadline:	December 17, 2013
Hearing Date:	October 24, 2013

FROM:   
Brad Kilby, AICP, Planning Manager

**Proposal:** The applicant is proposing to expand an existing parking lot onto an adjacent parcel of land. The existing parking lot includes 38 onsite parking spaces. With the proposed expansion, 73 total parking spaces will be provided. The property is zoned General Commercial (GC). The applicant's materials are attached to this report as **Exhibit A**.

I. BACKGROUND

- A. Applicant/Owner:  
Handle Properties, LLC & Knob Properties LLC  
Attn: Dr. Nathan Doyel  
17680 SW Handley Street #101  
Sherwood, OR 97140

Applicant's Representative  
AKS Engineering  
13910 SW Galbreath  
Sherwood OR 97140

- B. Location: The properties are located at 17680 SW Handley Street and 22065 SW Pacific Highway, on the west side of Pacific Highway. The properties are identified as tax lot 1600 on Washington County Assessor Map 2S130CD and tax lot 2100 on Washington County Assessor Map 2S131BA.

- C. Parcel Size:

Parcel	Size
TL 1600	0.8 acre
TL 2100	2.0 acres

Combined the subject properties are approximately 2.8 acres in size.

- D. Existing Development and Site Characteristics:  
The owner of the Pacific Family Dental office building owns two lots adjacent to each other. The 14,504 square foot office building is on one lot, and there is currently a single-family home and several outbuildings on the second lot. The site slopes gently

downward to the west and northwest. To the west and southwest the site slopes steeply downward toward a ravine. The site is located directly adjacent to Pacific Highway. The properties are surrounded by existing residential and commercial uses.

- E. Site History: The existing office building on tax lot 1600 was approved by File No. SP 06-07 on January 5, 2007 and was constructed in 2008. The 1,550 square foot existing dwelling on tax lot 2100 was built in 1962. The only approved access to the dwelling on tax lot 2100 is from Pacific Highway. Access to the office building on tax lot 1600 is from Handley Street.
- F. Zoning Classification and Comprehensive Plan Designation: The property is zoned General Commercial (GC). Public or commercial parking is an outright permitted use in this zone. This proposal is a request for site plan approval to construct a paved parking lot on the northeast corner of 22065 SW Pacific Highway and maintain the existing home.
- G. Adjacent Zoning and Land Use: Properties surrounding the site are zoned GC, Low Density Residential, PUD and Medium Density Residential High. The site is bordered on the east side by Pacific Highway. Properties surrounding the site are developed with residential and commercial uses including residential developments to the north, west and south with a mix of housing and light commercial to the east.
- H. Review Type: According to section 16.72.010.3.c, site plans for developments between 15,001 and 40,000 square feet of parking require a Type III review with a decision made by a Hearings Officer. The proposed parking lot expansion area would be approximately 20,079 square feet. An appeal would be heard by the City of Sherwood Planning Commission so long as the person(s) filing the appeal had provided comments prior to the close of public testimony at the public hearing and has filed an appeal within fourteen 14 days after the decision has been mailed.
- I. Neighborhood Meeting: The applicant held a neighborhood meeting on June 20, 2013 at Laurel Ridge Middle School. The applicant discussed the proposed development. The applicant provided notes, a sign-in sheet, and an affidavit of mailing with the application materials. Two people from the public attended the meeting and discussed the proposed project, development on their properties, and a Wal-Mart development in the City of Sherwood.
- J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1000 feet on October 1, 2013 and was posted on the property on October 2, 2013 and in five locations throughout the City on October 1, 2013 in accordance with the notice provisions of Section 16.72.020 of the SZCDC. Notice of the hearing was also provided in the October version of the Sherwood Gazette, and again in the Tigard Times on October 3, 2013.
- K. Review Criteria: Sherwood Zoning and Community Development Code, 16.22 (Commercial Land Use Districts); 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-street Parking and Loading); 16.96 (On-Site Circulation); 16.98 (On-Site Storage); Division VI. Public Infrastructure; 16.142 (Parks, Trees and Open Spaces; 16.144 Wetland, Habitat and Natural Areas; 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare).

## II. PUBLIC COMMENTS

Public notice was mailed and posted in five locations throughout the City on October 1, 2013. Public notice was posted on site on October 2, 2013, and placed in both the Sherwood Gazette and the Tigard Times. Staff received written comments from two citizens. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

**Robert James Claus:** Mr. Claus sent an e-mail on August 9, 2013 regarding this specific application. His e-mail is attached to this report as **Exhibit B**. Mr. Claus lives on the property directly west of the subject site. Within his e-mail, Mr. Claus makes many allegations that staff cannot, and will not respond. This response is limited to the two items that staff believes are relevant to the Code.

First, Mr. Claus has explained to staff on the telephone and in the August 9, 2013 e-mail that a storm drain that was set too low on Hanley Street and that because of that circumstance caused significant headward erosion on his property and has materially damaged their property. He adds that the proposed development will exacerbate this condition. Mr. Claus explained that he has discussed this problem with the City, Clean Water Services, and ODOT in the past.

Staff did view the area in question from the Pacific Highway right-of-way, and reviewed the aerial photo from Google. Mr. Claus is correct, in that I did observe erosion of the drainage way, and it is no doubt caused by heavy flows during storm events that are channeled across Pacific Highway. However, there is absolutely no evidence to suggest that this proposal has caused the damage in question, or that the qualified professionals are wrong in their assessment of the proposed handling of stormwater from the proposed development. The proposed development intends to capture and treat the stormwater on-site, and convey that stormwater into an approved public system that, according to both the City and the applicant's consulting engineers maintain has the capacity necessary to accept and convey that water consistent with the City's adopted stormwater management plan, and Clean Water Services adopted rules and regulations.

The second issue that staff can respond to is the future extension of SW Cedar Brook Way. Mr. Claus believes that this proposal should be required to provide the right-of-way necessary to ensure that his property and several other properties west of his property have a means develop that right-of-way so that their property can be provided with the access necessary to develop. Their land is also zoned General Commercial, and is underdeveloped. Staff has been informed by Mr. Claus on multiple occasions that he would like to develop his property, but that he cannot without that street extension. Staff agrees that construction of that street is necessary to develop Mr. Claus' property and those properties further west. The future extension of that right-of-way is shown in the City's TSP as a necessary connection.

The street has been deemed a collector that makes the right-of-way dedication and construction of the street creditable towards the property owner's transportation systems development charges. That said, the applicant is not proposing any new access to that right-of-way, or enlarging the building in a manner that is expected to generate any additional trips. Staff has consulted with the City Attorney on this matter, and it was determined that neither the dedication nor the construction of that street was roughly proportionate to the impacts created by the parking lot expansion. That being said, Engineering and Planning staff have shared the incentives of SDC credits in this report, and have indicated to the applicant's consultant that the right-of-way is desirable for future connectivity in the area. Staff will continue to encourage the

applicant to work with adjacent property owners to address this issue, but that decision ultimately lies with the property owner until such time that the City determines that it is in the best interest of the community to purchase and/or condemn the right-of-way. The City is not at that point.

**Michelle Barrera** Staff received a letter from Mrs. Barrera that is dated October 9, 2013 in which she supports the project as proposed. Mrs. Herrera claims that the project will improve on-street parking in and around her neighborhood. Her letter is attached as **Exhibit C**.

### III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 19, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

**Clean Water Services:** The CWS Pre-screen letter is attached to this report. CWS provides conditions and special conditions through the Service Provider letter attached as **Exhibit K**. Specifically, 18,199 square feet of degraded vegetated corridor must be enhanced to good condition. A minimum of 182 trees and 910 shrubs shall be planted in the vegetated corridor identified in the attached report. These comments are attached as **Exhibit D**.

**Oregon Department of Transportation:** Seth Brumley stated that it does not appear that the proposal would affect approach permits, but inquired whether the City would be requiring frontage improvements. These comments are attached as **Exhibit E**.

**Pride Disposal Company:** Kristen Leichner stated that the enclosure is described as a 20' x 10' area. There are some additional requirements that need to be met that cannot be determined from the site plan:

- The enclosure needs to have inside measurements of 20' wide and 10' deep.
- There should be no center post at the access point in the center of the enclosure.
- The gates will need to allow for the full 20' needed to access the enclosure. They should be hinged in front of the enclosure walls to allow for the full 20' width. This will also allow for the 120 degree opening angle that is required.
- The gates need cane bolts and holes put in place for the gates to be locked in the open and closed position. The holes for the gates to be held open need to be at the full 120 degree opening angle.
- No roof on the enclosure
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These comments are included as **Exhibit F**.

**Tualatin Valley Fire and Rescue (TVFR):** John Wolff, Deputy Fire Marshal for TVFR submitted a comment sheet stating that they encourage the approval of the request and have no comments. These comments are attached as **Exhibit G**.

**Sherwood Engineering Division:** Craig Christensen, P.E., provided comments regarding this application that are attached to this report, and are incorporated into this report. Mr. Christensen's comments respond to public utility and design issues. These comments are included as **Exhibit H**.

#### **IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)**

##### **Chapter 16.90 – Site Planning**

##### **16.90.030 – Site Plan Modifications and Revocation**

##### **D. Required Findings**

**No site plan approval shall be granted unless each of the following is found:**

- 1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI and VIII.**

**FINDING:** This standard can be met as discussed and conditioned in this report.

- 2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.**

**FINDING:** The office building is already served by existing water, sanitary, storm water, solid waste, public safety, electrical power, and communications providers. The applicant is not proposing any new utility improvements for the proposed parking lot extension. If it is subsequently determined that water service is necessary for the purposes of providing irrigation, improvements related to water service will be required. The specifics related to this determination are discussed in greater detail later in this report. As discussed and conditioned later in this report, it is feasible for the applicant to satisfy this standard.

- 3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.**

**FINDING:** The site is owned by Handle Properties, LLC & Knob Properties LLC and already developed. The maintenance of structures, landscaping, and other on-site features have been on-going, and do not appear to be neglected. This standard is satisfied.

- 4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.**

**FINDING:** According to the Natural Resource Assessment written by SWCA Consultants and corroborated by Clean Water Services, there are on-site wetlands on the western portion of tax lot 2100, which requires a 50-foot-wide vegetated corridor. No vegetated corridor impacts are proposed by the applicant. Clean Water Services has identified the vegetated corridor as being degraded and is requiring restoration efforts by the applicant. Included in the Natural Resource Assessment is a plan for enhancing the vegetated corridor to the specifications required by Clean Water Services. The plan includes a list of native trees, shrubs and groundcovers that

would be planted upon approval. Specifically, the plan states that prior to the ground disturbance an erosion control permit is required through the City. Additionally, a maintenance plan describing a two-year maintenance period is included with the vegetated corridor planting plan. The site does not contain any additional significant natural features. The Natural Resource Assessment is included in this report as **Exhibit J**.

**RECOMMENDED CONDITION:** Prior to final site plan approval, the applicant shall submit evidence-indicating compliance with the required conditions provided by Clean Water Services File Number 13-001610, **Exhibit K**. This includes obtaining City of Sherwood Building Department approval for any grading or erosion control plans.

5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.

**FINDING:** The proposed parking lot extension would not increase vehicular traffic to the site. No changes are proposed for the existing office building that would cause an increase in vehicular traffic to the site. Therefore, this standard is not applicable to the proposed development.

6. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

**FINDING:** The proposed parking lot extension would not increase vehicular traffic to the site. No changes are proposed for the existing office building that would cause an increase in vehicular traffic to the site. Therefore, this standard is not applicable to the proposed development.

7. The proposed office, retail, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
  - a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
  - b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
  - c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3

**feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

**FINDING:** No changes are proposed for the existing building, which is already oriented to Handley Street. The proposed parking lot extension would be located behind or to the side of the existing building depending on the frontage, but the parking is not proposed between the building and existing right-of-way. Therefore, this standard is not applicable to the proposed development.

## **V. APPLICABLE CODE STANDARDS**

### **Division II – Land Use and Development**

**The applicable provisions of Chapter 2 include: 16.22 (Commercial Land Use Districts) and 16.58 (Clear Vision and Fence Standards)**

### **Chapter 16.22 – Commercial Land Use Districts**

#### **16.22.020 – Uses**

**The table (16.22.020 in the Development Code) identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations. In this instance, the properties are zoned General Commercial (GC)**

**FINDING:** The applicant is proposing to pave the northeast corner of tax lot 2100 to better provide parking for Pacific Family Dental and bring the gravel parking lot up-to-date with paving and landscape improvements in accordance with City of Sherwood standards. The gravel parking lot was constructed without permits, and the City has been working with the property owner over the course of the last year and several months to bring the property into compliance. The current use of tax lot 1600 as a professional dental office was identified in the SP 06-07 approval as a “medical and dental office” use, which is a permitted use within the GC zoning district. The proposed parking lot extension would be an accessory use to the existing office and would, therefore, be an outright permitted use subject to site plan approval.

The portion of Lot 2100 not associated with this request will continue to include the single-family residence. The use is a pre-existing non-conforming condition since single-family residences are not permitted unless for a security person or for a different form of residence normally associated with a conditional use. That property is not to be used for any type of commercial use without prior authorization and proper permits from the City of Sherwood. Both, the property owner and the renter have been made aware of these requirements. If it is subsequently found that a commercial use is operating on that lot, then the property owner will be subject to code enforcement and face violations of up to \$500 a day pursuant to section 16.02.040 of the Sherwood Zoning and Community Development Code. This standard is satisfied.

#### **16.22.030 – Dimensional Standards**

**No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the**

remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments).

**A. Lot Dimensions**

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot area: 10,000 square feet
2. Lot width at front property line: 70 feet
3. Lot width at building line: 70 feet

**FINDING:** The existing lot area, lot width and width at the building line exceed the minimum requirements prescribed above. The applicant is not proposing to modify the dimensions of the existing lots. Since this request does not include a land division or reconfiguration of the lots involved, these standards are not applicable to the proposed development.

**B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard:	None, except when abutting a residential zone, then there shall be the same as the abutting residential zone.
2. Side yard:	None, except when abutting a residential zone, then there shall be a minimum of twenty (20) feet.
3. Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of twenty (20) feet.
4. Height:	Fifty (50) feet.

**STAFF ANALYSIS:** The northwest corner of tax lot 2100 is adjacent to a residential zone. No new structures are being proposed as part of this project. The proposed parking lot would be located in the northeast corner of tax lot 2100 and would, therefore, not be adjacent to a residentially zoned lot and not subject to setbacks. In fact, as part of this proposal, the applicant intends to remove one of the large shop buildings on site.

**FINDING:** As proposed, the setbacks are not affected by the proposed development. This standard is not applicable.

**16.22.060 – Community Design**

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

**STAFF ANALYSIS:** The applicable standards that are listed in the Community Design section are addressed elsewhere in this report. As proposed, the development will meet these standards: off – street parking, energy conservation, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design. There are not any historic resources on site therefore that standard is not applicable.



## **Chapter 16.58 – Clear Vision and Fence Standards**

### **16.58.010 – Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.**

**The following requirements shall govern clear vision areas:**

- 1. In all zones, the minimum distance shall be twenty (20) feet.**
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.**
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.**

**FINDING:** The site is located in the GC zoning district, and would be subject to setbacks when adjacent to residential zones, however, the applicant is not proposing to construct any new improvements within the clear vision area, so this standard is not applicable to the proposed development.

### **Division V – Community Design**

**The applicable provisions of Chapter 5 include: 16.92 (Landscaping), 16.94 (Off-street parking and Loading), 16.96 (On-site Circulation), and 16.98 (On-site Storage)**

**Compliance with the standards in these sections is discussed below:**

#### **16.92 – Landscaping**

##### **16.92.010 – Landscape Plan**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or**

**maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**

**FINDING:** The proposed landscape plan illustrates that the applicant is adding perimeter landscape plantings and six new landscape islands within the parking lot. The landscape plan shows planting areas on the site in all areas which are not paved. All existing landscaping is proposed to be retained on site. Some nuisance vegetation will be removed from the vegetated corridor, and that corridor will be enhanced consistent with the standards and conditions imposed by Clean Water Services. This standard is satisfied.

#### **16.92.020 – Landscaping Materials**

##### **A. Type of Landscaping**

**Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.**

**STAFF ANALYSIS:** The proposed development includes the addition of perimeter landscaping and six landscape islands, and the applicant is proposing to maintain all existing on-site landscaping. The proposed plants include a combination of evergreen and deciduous species including trees, shrubs and groundcover. However, it is not clear that the proposed plants are "native to the Pacific Northwest." This standard could be easily met if the landscape architect submits a letter certifying that the plants are native or are the most appropriate plants given the location and soils or if they modify the plant list to provide the required native plants.

**FINDING:** Staff cannot confirm that the plants proposed are native. However, staff is confident that this standard can be met if the applicant submits a letter certifying that the plants are native and/or most appropriate for the site or if they modify the plant list to provide the required native plants.

**RECOMMENDED CONDITION:** Prior to final site plan approval, the applicant shall submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate for the site or if they modify the plant list to provide the required native plants.

##### **B. Plant Materials Selection and Preparation**

- 1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**
- 2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**

**FINDING:** The proposed landscaping plan states how the new landscape materials will be established and maintained in a healthy condition and sufficient size. The landscaping plans do not indicate how the topsoil or subsoil preparation will be undertaken. This standard is not met, but can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to final site plan approval, the applicant shall submit additional information on how the topsoil or subsoil preparation will be undertaken to ensure that the new landscape plants will receive the appropriate nutrients and soil conditions to survive.

- C. Existing Vegetation - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 16.142.060.**

**FINDING:** The applicant has noted that they are proposing to maintain all existing landscaping. The landscape plan preserves vegetation to the maximum extent possible. Therefore, this standard is satisfied.

- D. Non-Vegetative Features - Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.**

**FINDING:** The proposed plans show a mixture of existing trees, shrubs and low growing ground cover. It does not appear that there are any hardscapes being proposed to be counted towards the landscape requirement, therefore this standard is satisfied.

#### **16.92.030 - Site Area Landscaping and Perimeter Screening Standards**

##### **A. Perimeter Screening and Buffering**

- 1. Perimeter Screening Separating Residential Zones – A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).**

**FINDING:** The proposed parking lot perimeter landscaping includes a hedge comprised of trees, evergreen shrubs, and groundcovers. The proposed evergreen shrub that would form a substantial portion of the hedge is identified as the Pacific Wax Myrtle, which has the potential to grow up to 30 feet in height without pruning, which would exceed the six (6) foot height requirement. This standard is satisfied.

##### **2. Perimeter Landscape Buffer**

- a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.**

b. The access drives to a rear lots in the residential zone (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.

**FINDING:** The landscape plan identifies a ten (10) foot wide hedge comprised of trees, evergreen shrubs, and groundcovers between the proposed parking lot and the existing dwelling on tax lot 2100. The proposed evergreen shrub that would form a substantial portion of the hedge is identified on the landscape plan as the Pacific Wax Myrtle, which has the potential to grow up to 30 feet in height without pruning, which would exceed the eight (8) foot height requirement. This standard is satisfied.

## **B. Parking Area Landscaping**

**Purpose** The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

### **2. Definitions**

a. **Parking Area Landscaping:** Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).

#### **b. Canopy Factor**

(1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

**Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01**

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

### **3. Required Landscaping**

There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

**FINDING:** According to the applicant's landscape plan and statement, the parking lot expansion site area would remove two parking stalls and add 37 new parking stalls. This would require a minimum of 1,665 square feet (45 sq ft x 37 = 1,665 sq ft) of parking area landscaping. The applicant is proposing 2,025 square feet of landscaping, which exceeds the requirement. This standard is satisfied.

#### **4. Amount and Type of Required Parking Area Landscaping**

##### **a. Number of Trees required based on Canopy Factor**

Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);

**(1) Any combination of the following is required:**

**(i) One (1) large tree is required per four (4) parking spaces;**

**(ii) One (1) medium tree is required per three (3) parking spaces; or**

**(iii) One (1) small tree is required per two (2) parking spaces.**

**(iv) At least five (5) percent of the required trees must be evergreen.**

**(2) Street trees may be included in the calculation for the number of required trees in the parking area.**

The applicant proposes the following parking lot landscape trees:

<b>Type of Tree</b>	<b>Number of Trees</b>	<b>Canopy Factor</b>	<b>Category of Tree</b>	<b>Parking space #</b>
<b>Incense Cedar</b>	4	90	Medium	12 (4 x3)
<b>Imperial Honey Locust</b>	10	32	Small	20 (10 x 2)
<b>Shore Pine</b>	2	12	Small	4 ( 2 x 2)

**Total Combination of Trees = 36 parking spaces**

The applicant provided a combination of small and medium trees to account for 36 parking spaces. The applicant has proposed 37 parking spaces with their application and thus the landscape plan will need to be revised to include one (1) additional tree to address this deficiency in the number of required landscape trees within the parking lot.

**FINDING:** Based on the above discussion, the applicant has not met this standard but can do so with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, provide a landscape plan that shows the appropriate combination of trees to satisfy the parking lot landscaping standard.

##### **b. Shrubs:**

**(1) Two (2) shrubs are required per each space.**

**(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.**

**FINDING:** The applicant has provided a landscape plan that shows 74 shrubs and therefore meets this criterion.

**c. Ground cover plants:**

**(1) Any remainder in the parking area must be planted with ground cover plants.**

**(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.**

**FINDING:** The applicant has provided a landscape plan that shows ground cover plants throughout the remainder of the landscaped area and therefore meets this criterion.

**5. Individual Landscape Islands Requirements**

**a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.**

**b. Each landscape island shall be planted with at least one (1) tree.**

**c. Landscape islands shall be evenly spaced throughout the parking area.**

**d. Landscape islands shall be distributed according to the following:**

**(1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.**

**(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.**

**(3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.**

**e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.**

**FINDING:** According to the applicant's landscape plan, each landscape island would be a minimum of five feet wide and at least ninety (90) square feet in area. Additionally, each island contains one tree and is spaced evenly throughout the parking area. One landscape island is proposed for at least every ten (10) continuous parking spaces. All landscape islands are proposed as having curbs to protect the landscaping. This standard is satisfied.

**6. Landscaping at Points of Access**

**When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall**

**be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.**

**FINDING:** The proposed application does not propose any changes to the existing site access or sight distances where the private access-ways abut SW Handley Street. This standard is satisfied.

**7. Exceptions**

- a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.**

**FINDING:** There are no environmentally sensitive areas and/or trees or woodlands located on the disturbed portion of the subject site. The stream and associated vegetated corridor running along the west edge of the property will be protected and remediated as required by Clean Water Services. This standard is satisfied.

- b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.**

**FINDING:** This application does not propose a reduction in the required landscaping buffer. This standard is satisfied.

**C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas**

**All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.**

**FINDING:** According to the applicant's statement and landscape plan, a transformer and garbage/recycling area would be relocated within the parking lot expansion area. Based on the landscape plan it appears that the transformer would be screened using landscape planting while the garbage/recycle area would be screened using fencing or a wall. This criterion is satisfied.

**D. Visual Corridors**

**Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142( Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.**

**FINDING:** The applicant has proposed a visual corridor along Highway 99W adjacent to the new parking lot area, but not the entirety of the site. Therefore, this standard has not been met.

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit landscape plans that show a visual corridor along Highway 99W that is consistent with the standard.

**A. Installation**

**All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.**

**FINDING:** According to the applicant's statement and landscape plan, all plants and plantings shall conform to the City of Sherwood's design standards and to American Nursery Standards ASN 1260.1. Additionally, plants shall be installed in ground in a sound workman-like manner in accordance with standards adopted by the Oregon Landscape Contractors Board (OLCB), and properly maintained to ensure survival according to industry standards. This standard is satisfied.

**B. Maintenance and Mitigation of Landscaped Areas**

- 1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**
- 2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**
- 3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).**

**FINDING:** According to the applicant's statement and landscape plan, all landscaping will be maintained in a manner consistent with the intent of the approved landscaping plan and in accordance to industry standards. The applicant indicated that care would be taken to not disturb existing plantings that are to remain and if disturbance occurs, the area would be restored and repaired to existing conditions. No landscaping trees are proposed for removal. This standard is satisfied.

**C. Irrigation**

**The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.**

- 1. Option 1: A permanent built-in irrigation system with an automatic controller installed.**
- 2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The**



**system does not have to be permanent if the plants chosen can survive independently once established.**

- 3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

**FINDING:** According to the applicant's statement and landscape plan, all new landscape areas are to be irrigated with water-efficient automatic irrigation. This standard is satisfied.

**D. Deferral of Improvements**

**Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.**

**FINDING:** According to the applicant's statement the required landscaping shall be installed prior to issuance of permits or a security equal to 125% of the cost of the landscaping will be filed with the City. Staff is confident this standard could be met with the recommended condition below.

**RECOMMENDED CONDITION:** Prior to final approval, the required landscaping shall be installed or a security equal to 125% of the cost of the landscaping will be filed with the City.

**16.94. Off-Street Parking and Loading (relevant sections)**

**16.94.010 - Generally**

**A. Off-Street Parking Required.**

**No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.**

**STAFF ANALYSIS:** The applicant is proposing to pave a gravel parking area that was illegally constructed in the northeast corner of tax lot 2100 and increase the number of parking stalls serving Pacific Family Dental from 38 parking stalls to 73 parking stalls. The existing building currently used by Pacific Family Dental is approximately 14,504 square feet. The development code requires at least 4.1 parking spaces per 1,000 square feet for "general retail or personal service" uses resulting in a minimum of 60 required parking stalls and a maximum of 90 parking stalls.

**FINDING:** In this instance, the applicant is proposing to provide 73 parking stalls which exceed the minimum required but does not exceed the maximum allowed. This standard is satisfied.

**B. Deferral of Improvements**

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

**FINDING:** According to the applicant's statement there are no new or altered buildings involved in this application, and deferral of the proposed improvements is not proposed or relevant to this situation. This criterion is satisfied.

**C. Options for Reducing the Required Parking Spaces**

**FINDING:** According to the applicant's statement, no reduction in required parking spaces is requested. Therefore, this standard is satisfied.

**D. Prohibited Uses.**

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

**FINDING:** The applicant does not propose any required parking, loading, or maneuvering areas to be used for storage or rented, leased, or assigned to any person or organization not using or occupying the building or use served. This standard is satisfied.

**E. Location.**

**4. Residential off-street parking spaces.**

a. Shall be located on the same lot or development as the residential use.

b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

5. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

6. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking

**shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**

- a. All new development with twenty (20) employees or more shall include preferential spaces for either car pool and vanpool designation.**
- b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.**

**FINDING:** The site contains existing parking directly adjacent to the existing office building. The proposed parking extension would also be located directly adjacent to the existing office building on property owned by the applicant. This standard is satisfied.

#### **F. Marking**

**All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.**

**FINDING:** The applicant's statement indicates that all parking lot markings required by the City of Sherwood would be implemented. However, the site plans do not clearly identify where all parking, loading or maneuvering areas would be marked or painted.

**RECOMMENDED CONDITION:** Prior to final site plan approval, applicant shall submit additional information clearly identifying where all parking, loading or maneuvering areas would be marked or painted.

#### **G. Surface and Drainage**

- 1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.**
- 2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.**

**FINDING:** According to the applicant's statement, the proposed parking lot would be paved in asphalt. Additionally, as shown on the landscape plan, the existing private stormwater facility located on tax lot 1600 would be relocated to tax lot 2100 on the western edge of the proposed parking lot extension. A Stormwater Report submitted by the applicant has been included with this staff report as Exhibit J. Since there are proposed amendments to the stormwater facilities, the City Engineer has recommended some conditions later in this report to ensure that this standard is satisfied.

#### **H. Repairs**

**Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.**

**FINDING:** According to the applicant's statement, the applicant agrees to maintain the parking and loading areas clean and in good repair. This standard is satisfied.

#### **16.94.020 - Off-street parking standards**

##### **A. Generally**

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

**FINDING:** As discussed above, the minimum parking requirements have been satisfied by the proposed development.

##### **B. Dimensional and General Configuration Standards**

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

**FINDING:** Based on the applicant's site plan and statement, each of the proposed parking spaces is nine (9) feet wide by twenty (20) feet deep. This standard is satisfied.

2. **Layout**

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

**FINDING:** Based on the applicant's site plan and statement, the proposed parking space configuration and maneuvering aisle size (24 feet minimum) is sufficient to allow for backing movements and other maneuvering on site. This standard is satisfied.

3. **Wheel Stops**

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G. Wheel stops adjacent to landscaping, bio-swaes or water quality facilities shall be designed to allow storm water run-off.

**FINDING:** Based on the applicant's site plan and statement, the proposed parking stalls are twenty (20) feet in length and provide wheel stops in order to prevent vehicles from not overhanging onto sidewalks or damaging interior landscaped areas. The wheel stops are shown on the site plan as having spaces in between each one to provide the passage of water. This standard is satisfied.

4. **Service Drives**

**Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.**

**FINDING:** Based on the applicant's site plan and statement, no changes are proposed for the existing access points onto Handley Street from the site. The new parking area will obtain access through lot 1600. This standard is satisfied.

### **C. Bicycle Parking Facilities**

#### **1. Location and Design**

- a. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one (1) building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or near the main entrance.**
- b. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.**

- 2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.**
- 3. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.**
- 4. Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.**
- 5. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.**
- 6. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.**

**FINDING:** According to the applicant's statement, the required number of bicycle parking spaces is already provided with the existing building and no additional bicycle parking spaces are proposed. The building and site have undergone a prior site plan and final site plan approval that verified the location and number of bicycle parking spaces provided with the medical/dental office building. This criterion is satisfied.

### **16.96 On-Site Circulation**

#### **16.96.010 – On-site pedestrian and bicycle circulation**

##### **A. Purpose**

**On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.**

**STAFF ANALYSIS:** All proposed pedestrian and bicycle access into and along the perimeter of the site is existing. As proposed, the site provides safe, marked, and to the extent practical, convenient pedestrian access.

**FINDING:** The use of the site and the office building are existing and are proposed to remain unchanged after the proposed parking lot expansion, therefore, the above standard is not applicable.

**B. Maintenance**

**No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.**

**FINDING:** According to the applicant's statement and as shown on the site plan an existing pedestrian connection was provided with the original construction of the dental office and existing site ingress and egress is unchanged by the proposed parking lot. Therefore, this standard is satisfied.

**C. Joint Access**

**Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.**

**FINDING:** The applicant is proposing to access the parking lot on lot 2100 through lot 1600. While the accessory parking is not necessarily required to satisfy the minimum parking requirements for the medical/dental office, the parking is proposed as accessory to the use, and it will be necessary to maintain legal access between the two parcels for this specific use, so the applicant should be conditioned to provide and record a joint access agreement over the portion of tax lot 2100 and 1600 in support of the parking area. Therefore, the following condition is warranted.

**RECOMMENDED CONDITION:** Prior to final approval, the applicant shall provide City staff with proof that an joint access and maintenance easement is provided between lots 1600 and 2100 for the purposes of providing legal access to the accessory parking area as well as maintaining the water quality facility and trash enclosure.

**D. Connection to Streets**

- 1. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**

2. **Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

**FINDING:** The proposed parking lot extension would be connected to an existing parking lot on tax lot 1600 which has existing frontage along and access points to Handley Street. This standard is satisfied. Sidewalks and pedestrian access to Handley Street were required as a condition of approval for the original approval (File No. SP06-07) of the existing building on tax lot 1600. Staff has confirmed the existence of sidewalks along the frontage of Handley Street on the northern border of tax lot 1600.

**E. Maintenance of Required Improvements**

**Required ingress, egress and circulation improvements shall be kept clean and in good repair.**

**FINDING:** According to the applicant's statement, ingress and egress for all types of circulation shall remain in good repair and would be maintained over time. This standard is satisfied.

**F. Access to Major Roadways**

**FINDING:** This application does not propose ingress or egress to or from an arterial. Therefore, these standards are not applicable.

**G. Service Drives**

**Service drives shall be provides pursuant to Section 16.94.030.**

**FINDING:** Based on the applicant's site plan and statement, an existing paved access provides vehicular access onto SW Handley Street. This standard is satisfied.

**16.96.030 - Minimum Non-Residential Standards**

**Minimum standards for private, on-site circulation improvements in non-residential developments:**

**A. Driveways**

1. **Commercial: Improved hard surface driveways are required as follows:**

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

3. **Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.**

**FINDING:** Based on the applicant's site plan and statement, a 24 foot wide and two-way paved parking area drive aisle is proposed to serve the extended parking area. This standard is satisfied.

**B. Sidewalks and Curbs**

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within 500 feet of the site, future phases of development, and whenever possible to parks and open spaces.
2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.
4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

**FINDING:** Based on the applicant's site plan and statement, there is an existing pedestrian connection that connects the building entrance and parking lot and the public right-of-way. There are no adjacent public parks and open spaces and/or future phases of development identified with this proposal. This standard is satisfied.

**16.96.040 – On-Site Vehicle Circulation**

**A. Maintenance**

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

**FINDING:** Based on the applicant's site plan and statement, an existing pedestrian connection was provided with the original construction of the dental office, and existing site ingress and egress would be unchanged by the proposed parking lot. This standard is satisfied.

**B. Joint Access [See also Chapter 16.108]**

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of



**deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.**

**FINDING:** According to the applicant's statement, the proposed parking lot extension area is to be utilized only by the employees and patrons of the existing Pacific Family Dental. There are two existing uses on the site, residential and commercial, and both uses have separate existing access points for ingress and egress. The commercial use has access onto Handley Street while the residential use has access onto Pacific Highway. In order to ensure that the access from tax lot 1600 to tax lot 2100 is legally provided, a condition has been recommended above. This standard can feasibly be satisfied by meeting the conditions of approval.

**C. Connection to Streets**

- 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**
- 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

**FINDING:** Based on the applicant's site plan and statement, the existing Pacific Family Dental building has adequate sidewalks that extend from the ground floor entrance to the public sidewalk and ingress and egress to SW Handley Street. The proposed parking area will connect to the public street through the same ingress as the existing office building. This standard is satisfied.

**D. Maintenance of Required Improvements**

**Required ingress, egress and circulation improvements shall be kept clean and in good repair.**

**FINDING:** The applicant has indicated that ingress and egress for all types of circulation on the site shall remain in good repair. The applicant intends to meet this standard over time. This standard is satisfied.

**E. Service Drives**

**Service drives shall be provided pursuant to Section 16.94.030.**

**FINDING:** Based on the applicant's site plan and statement, an existing paved access provides access on SW Handley Street is unchanged by the proposed parking lot. This standard is satisfied.

**Chapter 16.98 – ON-SITE STORAGE**

**16.98.010 – Recreational Vehicles and Equipment**

**Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.**

**FINDING:** According to the applicant, on-site storage of recreational vehicles and equipment is not proposed as part of the parking lot extension. Therefore, this standard is not applicable.

#### **16.98.020 – Solid Waste Storage**

**All uses shall provide solid waste storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste storage areas and receptacles shall be located out of public view. Solid waste receptacles for multi-family, commercial and industrial uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.**

**FINDING:** Based on the applicant's site plan and statement, the existing solid waste and recycling receptacle enclosure would be relocated. All solid waste and recycling receptacles would be screened from view and would be easily accessible to collection vehicles. Comments submitted by Pride Disposal Company on October 1, 2013, stated that several additional requirements would need to be met prior to the approval of the site plan. Staff recommends these requirements be added as conditions of approval.

**RECOMMENDED CONDITION:** Prior to final site plan approval, the applicant shall submit evidence of the following information:

- The enclosure needs to have inside measurements of 20' wide and 10' deep.
- There should be no center post at the access point in the center of the enclosure.
- The gates will need to allow for the full 20' needed to access the enclosure. They should be hinged in front of the enclosure walls to allow for the full 20' width. This will also allow for the 120 degree opening angle that is required.
- The gates need cane bolts and holes put in place for the gates to be locked in the open and closed position. The holes for the gates to be held open need to be at the full 120 degree opening angle.
- No roof on the enclosure.

#### **16.98.030 – Material Storage**

**FINDING:** According to the applicant, no materials, hazardous or otherwise, are proposed to be stored. Therefore, this standard is not applicable.

#### **16.98.040 – Outdoor Sales and Merchandise Display**

**FINDING:** According to the applicant, outdoor sales and/or merchandise displays are not proposed with this development. Therefore, this standard is not applicable.

#### **Division VI. Public Infrastructure**

**The applicable provisions of Chapter 6 include: 16.106 (Transportation Facilities), 16.110 (Sanitary Sewers), 16.112 (Water Supply), 16.114 (Storm Water), 16.116 (Fire Protection), and 16.118 (Public and Private Utilities)**

**Compliance with the standards in these sections is discussed below:**

## **16.106 – Transportation Facilities**

### **16.106.020 – Required Improvements**

#### **A. Generally**

**Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.**

**FINDING:** The site takes access from SW Handley Street. According to the City Engineer, no additional improvements or right-of-way is needed with this development. Currently, SW Cedar Brook Way (half street improvements and right-of-way) exists adjacent to the west side of Tax Lot 1600 and dead ends at the north end of Tax Lot 2100 toward the western end of the property. The City of Sherwood's TSP has established SW Cedar Brook Way as a Collector status street that will extend southward from SW Handley Street to its eventual connection to Hwy 99 (SW Pacific Highway). The extension of SW Cedar Brook Way through Tax Lot 2100 would occur in the northwest corner of the site through property in which the majority exists within wetlands and vegetated corridor. This collector street will provide access to the properties to the southwest and thereby allowing future development of the property to the southwest. In consultation with the City Attorney and consistent with prior discussions with the applicant, the City could not justify dedication or improvement of the right-of-way since no new access is proposed to serve the accessory parking area. The existing single-family home has access onto SW Pacific Highway. It could be in the interest of the applicant to consider making the dedication if there is any interest in developing the property in the near future.

Should the applicant decide to provide dedication for the extension of SW Cedar Brook Way, credits against Transportation System Development Charges (SDC) and the Washington County Transportation Development Tax (TDT) are available for the future development of Tax Lot 1600. These credits are available for 7 years from the date of dedication to the city at which time the credits will expire. If the applicant decides to provide dedications, it should consist of the following to be consistent with the TSP:

- Dedication of public right-of-way (58-foot width) from the end of SW Cedar Brook Way at the north property line of Tax Lot 2100 to the southwest property line of Tax Lot 2100.
- Dedication of 20-foot wide slope easement to the City of Sherwood along the northwest side of the dedicated right-of-way and a 12-foot wide slope easement along the southeast side of the dedicated right-of-way.
- Dedication of 8-foot wide PUE along each side of the dedicated right-of-way.

This standard is satisfied.

#### **B. Existing Streets**

**Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot**

**proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.**

**FINDING:** The site takes access from SW Handley Street. As discussed above, it would be difficult to justify additional improvements or right-of-way dedication with this development. This standard is satisfied.

#### **16.106.030 - Location**

##### **A. Generally**

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

##### **B. Street Connectivity and Future Street Systems**

1. **Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

**STAFF ANALYSIS:** As previously discussed in this report, no changes are proposed to alter the existing access to the site from Handley Street. The proposed parking lot extension is not in a location that would physically hinder the continuation or establishment of SW Handley Street as shown in the TSP.

**FINDING:** As discussed above, future extensions of the street system is not physically precluded by the proposal; therefore this standard is not applicable.

#### **16.106.040 – Design**

##### **J. Transit Facilities**

Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.

**5. Provide lighting at a transit stop (if not already existing to transit agency standards).**

**FINDING:** There are no existing or proposed transit routes adjacent to or near this site. Transit facilities are not currently available to the site, and do not appear to be necessary for this development. This standard is not applicable.

**16.110 – Sanitary Sewers**

**16.110.010 – Required Improvements**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.**

**FINDING:** The site is already provided with public sanitary sewer service. Sanitary sewer exists within SW Cedar Brook Way and SW Handley Street and no new connections are proposed. This criterion is not applicable to the proposed development.

**16.112 – Water Supply**

**16.112.010 – Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.**

**FINDING:** Water lines exist within SW Cedar Brook Way and SW Handley Street which connect to an existing water line within Hwy 99 through an existing public utility easement within Tax Lot 1600.

The water line within SW Cedar Brook Way south of SW Handley Street stops short of the north property line of Tax Lot 2100 by approximately 30 feet. Therefore, if water service from the water main within SW Cedar Brook Way is necessary for Tax Lot 2100, then the water main within SW Cedar Brook Way will be required to be extended to the north property line of Tax Lot 2100.

Sherwood Municipal Code does not allow water connections between separate tax lots unless approved by the City Engineer.

Tax Lot 1600 has existing domestic service from the main in SW Handley Street. If Tax Lot 2100 connects to the existing ground water well for irrigation, then a reduced pressure backflow assembly would be required behind the existing water meter of Tax Lot 1600. This is required to protect the water main within SW Handley Street from potential cross connection contamination.

Sherwood Municipal Code Section 13.10.075 states "In general, all water line extensions shall extend the entire distance between opposite boundaries of the property to be served and shall be located within public right-of-way unless the city determines it necessary to construct water lines on public easements across private property. The city may elect to have installed a larger main than needed for the applicant's service requirements. When it does, the city will bear the additional cost of all piping, fittings, valves and other materials and equipment used." This

indicates that if public water service is being installed for Tax Lot 2100, then the water main within Hwy 99 shall be extended to the southwest corner of Tax Lot 2100.

If a water main is extended throughout the frontage of the property, the existing home will be required to be connected to public water and the well shall either be abandoned or backflow prevention shall be installed behind the new water meter to protect the water main from potential cross connection contamination. City policy requires a plumbing permit to be obtained through the Building Department for all private water line construction (irrigation is exempt).

Engineering staff has identified some deficient easements for existing water services that need to be remedied by the proposed development. The following conditions are warranted to ensure that public lines and services are preserved. Near Hwy 99 the existing water main within Tax Lot 2100 is less than 7.5 feet from the existing public utility easement line. A portion of the existing water vault within Tax Lot 2100 is located outside of the existing public utility easement.

**RECOMMENDED CONDITION:** Prior to final approval, a public water line easement shall be dedicated to the City on the outside of the existing public utility easement to give a minimum easement width of 7.5 feet from the existing water main.

**RECOMMENDED CONDITION:** Prior to final approval, a new water vault easement shall be dedicated to the City on the outside of the existing public utility easement to give a minimum easement width of 5 feet around the outside of the existing water vault.

#### **16.114 – Storm Water**

##### **16.114.010 – Required Improvements**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.**

##### **16.114.020 – Design Standards**

###### **A. Capacity**

**Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.**

Water quality treatment is required for all existing and newly constructed impervious area on both tax lots. The proposed parking lot expansion would increase the amount of impervious surface on the site. There is an existing water quality facility on the site that is proposed for relocation from its current location to the western edge of the proposed parking lot extension area. The applicant has stated that the relocated stormwater conveyance and disposal system would be prepared in accordance with the above listed standards. The Stormwater Report prepared by AKS Engineering & Forestry, LLC has been included with this staff report as Exhibit

J. Compliance with Clean Water Service standards has been conditioned previously in this report.

Per Clean Water Services and City of Sherwood standards, a 45% credit of storm SDC is available for the construction of storm water treatment facilities and a 55% credit of storm SDC is available for the construction of storm detention facilities.

City policy requires a plumbing permit to be obtained through the Building Department for all private storm sewer construction. The existing storm pipe outlet discharging into the east end of the existing water quality is buried below the flow line of the water quality swale. There are some unknowns related to the reconfiguration of the system, therefore the following conditions are recommended to ensure that the development is compliant with the design and construction standards.

**FINDING:** Storm sewer exists within SW Handley Street and no new connections are proposed. Therefore, no new public storm improvements are required. There are some unknowns related to the reconfiguration of the system, therefore the following conditions are recommended to ensure that the development is compliant with the design and construction standards.

**RECOMMENDED CONDITION:** Prior to final approval, either the existing water quality swale shall be re-graded or the storm pipe will be relayed to allow the pipe to discharge into the flow line of the swale.

**RECOMMENDED CONDITION:** Prior to final approval, a private stormwater facility access and maintenance covenant between the owner and the City shall be implemented and recorded with Washington County with a copy being provided to the City.

#### **B. On-Site Source Control**

**Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.**

**FINDING:** The proposed storm drainage improvements do not include dry wells, detention ponds, or roof top ponds. Therefore, these standards are not applicable.

#### **C. Conveyance System**

**The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.**

**FINDING:** Per the stormwater report provided by AKS Engineering, the preliminary storm drainage improvements are adequate to serve the proposed development and accommodate upstream and downstream flow. This standard is satisfied.

#### **16.114.030 – Service Availability**

**Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.**

**FINDING:** The attached stormwater report includes the necessary documentation demonstrating that the stormwater drainage facilities are adequate to serve the site. The applicant met with City Engineering staff at the pre-application conference and discussed utilizing the existing stormwater facility located on the Pacific Family Dental site. The required calculations and design are included in the Stormwater Report included with this staff report as Exhibit J. The preliminary storm drainage improvements are adequate to serve the proposed development and accommodate upstream and downstream flow provided the conditions recommended above are met.

#### **16.116 – Fire Protection**

##### **16.116.020 – Standards**

###### **A. Capacity**

**All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.**

###### **B. Fire Flow**

**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.**

###### **C. Access to Facilities**

**Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.**

###### **D. Hydrants**

**Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the**



**pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.  
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)**

**FINDING:** The proposal would not impact the existing access to the office building or the existing hydrants constructed as part of the original building approval (SP 06-07). The TVFR Deputy Fire Marshal has reviewed the plans and indicated that he is not concerned with the proposed expansion. Therefore, this standard is not applicable.

#### **16.118 – Public and Private Utilities**

##### **16.118.020 – Standards**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

**STAFF ANALYSIS:** The site is served by existing utilities.

**FINDING:** Utilities are available to the property and, as demonstrated within the plans and narrative an existing electric transformer vault is being relocated. The applicant states that all proposed utilities shall meet 16.118.030 and 16.118.040. These standards are satisfied.

#### **Division VIII. Environmental Resources**

**The applicable provisions of Chapter 6 include: 16.142 (Parks, Trees and Open Spaces), 16.144 (Wetland, Habitat and Natural Areas), 16.146 (Noise), 16.148 (Vibrations), 16.150 (Air Quality), 16.152 (Odors), and 16.154 (Heat and Glare)**

Compliance with the standards in these sections is discussed below:

#### **16.142 – Parks, Trees and Open Spaces**

##### **16.142.040 - Visual Corridors**

##### **A. Corridors Required**

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

Category	Width
1. Highway 99W	25 ft.

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

#### **B. Landscape Materials**

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

#### **C. Establishment and Maintenance**

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

#### **D. Required Yard**

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

#### **E. Pacific Highway 99W Visual Corridor**

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.

2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least

**five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.**

The applicant has provided a 25 ft. visual corridor along a portion of the site where it abuts the new parking area. The applicant has not shown the appropriate type of landscaping groupings as indicated in this provision.

**FINDING:** Based on the above discussion the applicant has not met this provision, but can do so with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, provide a landscape plan that shows the appropriate visual corridor for the site that meets this standard.

#### **16.142.060 – Street Trees**

##### **A. Installation of Street Trees on New or Redeveloped Property.**

Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. **Location:** Trees shall be planted within the planter strip along a newly created or improved street. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
2. **Size:** Trees shall have a minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet. Diameter at breast height (DBH) shall be measured as defined by the International Society of Arboriculture.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.

c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:

- (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
- (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
- (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

**FINDING:** No new street trees are required for this proposal. Street trees were provided along the sites frontage with the original development. These standards are not applicable to the proposed development since there are existing street trees along the site's frontage of SW Handley Street.

#### **16.142.060 – Trees on Property Subject to Certain Land Use Applications**

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

**FINDING:** The applicant is not proposing to remove any of the existing on-site landscaping; therefore, this standard is not applicable to the proposed development.

#### **D. Retention requirements**

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.

2. Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy

for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

### 3. Required Tree Canopy - Non-Residential and Multi-family Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	Residential	Old Town	Commercial
Canopy Requirement	40%	N/A	<u>30%</u>
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	Yes	N/A	<u>No</u>
Landscaping requirements included in canopy requirement	N/A	N/A	<u>Yes</u>
Existing trees onsite	Yes x2	N/A	<u>Yes</u> <u>x2</u>
Planting new trees onsite	Yes	N/A	<u>Yes</u>

**FINDING:** The applicant has not provided details as to compliance with this criterion; however it appears likely with the amount of proposed landscaping and existing trees on site that this criterion could be satisfied with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, provide landscape plans that show that the site meets the tree canopy requirement of 30 % of the entire site area.

### 16.144 – Wetland, Habitat and Natural Areas

#### 16.144.020 – Standards

- A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the

development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.
  - a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.
  - b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.
  - c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

**FINDING:** The applicant is not proposing to remove any of the existing on-site landscaping. According to the Natural Resource Assessment (**Exhibit i**) written by SWCA Consultants and corroborated by Clean Water Services(**Exhibit K**), there are on-site wetlands on the western portion of tax lot 2100, which requires a 50-foot-wide vegetated corridor. No vegetated corridor impacts are proposed by the applicant. Included in the Natural Resource Assessment is a plan for enhancing the vegetated corridor to the specifications required by Clean Water Services. The plan includes a list of native trees, shrubs and groundcovers that would be planted upon approval. Additionally, a maintenance plan describing a two-year maintenance period is included with the vegetated corridor planting plan. The site would not reduce the area of wetlands on the site. Therefore, this standard is satisfied.

#### **16.146 – Noise**

##### **16.146.010 – Generally**

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

**FINDING:** The only increase in noise due to the proposed parking lot extension would occur during construction and be of temporary duration. It is not anticipated that this development would create high levels of noise beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is satisfied.

#### **16.148 – Vibrations**

##### **16.148.010 – Generally**

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

**FINDING:** It is not anticipated that this development would create high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is satisfied.

#### **16.150 – Air Quality**

##### **16.150.010 – Generally**

**All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:**

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.**

**FINDING:** It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is satisfied.

#### **16.152 – Odors**

##### **16.152.010 – Generally**

**All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.**

**FINDING:** It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts, therefore this standard is satisfied.

#### **16.152 – Heat and Glare**

##### **16.154.010 – Generally**

**Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.**

**STAFF ANALYSIS:** The applicant's lighting plan identified eight (8) new exterior lights to illuminate the proposed parking lot extension. All exterior lighting is shown to be directed toward the interior of the proposed parking lot and away from adjacent residential uses and the existing building.

**FINDING:** The proposed lighting plan only shows the anticipated foot candle levels within the parking lot. It is unclear what amount of illumination, if any, would spill over onto adjacent properties. The applicant did not respond, and it is not clear from the proposed plans whether or not lighting would be added or required in these areas. Therefore, the following condition is warranted.

**RECOMMENDED CONDITION:** Prior to final site plan approval, the applicant shall submit a revised lighting plan showing that the lighting will not shine more than 0.5 foot candle from the property onto adjacent properties.

#### RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the proposed site plan (SP 13-01) does not fully comply with the standards but can be conditioned to comply, and recommends **approval of** the request subject to compliance with the following conditions of approval.

#### VI. CONDITIONS OF APPROVAL

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted site plans dated July 15, 2013 prepared by AKS Engineering and Forestry except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.



**Prior to issuance site, grading, or erosion control permits from the Building Department:**

1. Obtain City of Sherwood Building Department approval for any grading or erosion control plans.

**Prior to Final Site Plan Approval:**

1. Submit evidence-indicating compliance with the required conditions provided by Clean Water Services File Number 13-001610, Exhibit K. This includes obtaining City of Sherwood Building Department approval for any grading or erosion control plans.
2. Provide additional information on how the topsoil or subsoil preparation will be undertaken to ensure that the new landscape plants will receive the appropriate nutrients and soil conditions to survive.
3. Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate for the site or if they modify the plant list to provide the required native plants.
4. Provide a landscape plan that shows the appropriate combination of trees to satisfy the parking lot landscaping standard.
5. Submit landscape plans that show a visual corridor along Highway 99W that is consistent with the visual corridor standard.
6. Submit additional information identifying how the garbage/recycle area would be screened from Handley Street.
7. Submit additional information clearly identifying where all parking, loading or maneuvering areas would be marked or painted.
8. Submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the property onto adjacent properties.
9. Submit evidence of the following information as requested by Pride Disposal Company:
  - a. The enclosure needs to have inside measurements of 20' wide and 10' deep.
  - b. There should be no center post at the access point in the center of the enclosure.
  - c. The gates will need to allow for the full 20' needed to access the enclosure. They should be hinged in front of the enclosure walls to allow for the full 20' width. This will also allow for the 120 degree opening angle that is required.
  - d. The gates need cane bolts and holes put in place for the gates to be locked in the open and closed position. The holes for the gates to be held open need to be at the full 120 degree opening angle.
  - e. No roof on the enclosure.

10. Provide landscape plans that show that the site meets the tree canopy requirement of 30 % of the entire site area.

**Prior to Final Approval:**

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) including compliance with all conditions specified in "Prior to approval of public improvement plans.
2. Provide staff with proof that a joint access and maintenance easement between lots 1600 and 2100 for the purposes of providing legal access to the accessory parking area as well as maintaining the water quality facility and trash enclosure.
3. Obtain final site plan approval from the Planning Department.
4. Re-grade existing water quality swale or the storm pipe will be relayed to allow the pipe to discharge into the flow line of the swale.
5. Provide a private stormwater facility access and maintenance covenant between the owner and the City shall be implemented and recorded with Washington County with a copy being provided to the City.
6. Dedicate a public water line easement to the City on the outside of the existing public utility easement to give a minimum easement width of 7.5 feet from the existing water main within Tax Lot 2100.
7. Dedicate a new water vault easement to the City on the outside of the existing public utility easement to give a minimum easement width of 5 feet around the outside of the existing water vault within Tax Lot 2100.
8. Install the required landscaping or pay a security equal to 125% of the cost of the landscaping will be filed with the City.
9. All site improvements including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.

**VII. Exhibits**

- A. Applicant's Materials
- B. Email from Robert James Claus dated August 9, 2013
- C. Letter from Michelle Barrera dated October 9, 2013

- D. Clean Water Services comments from Jackie Sue Humphreys dated October 2, 2013
- E. E-mail from Seth Brumley, Associate Planner with ODOT, dated September 23, 2013
- F. Comments from Kristin Lechner – Pride Disposal Company dated October 1, 2013
- G. Comments from John Wolff, TVFR Deputy Fire Marshal dated October 3, 2013
- H. Copy of Engineering Comments from Craig Christensen dated October 11, 2013
- I. Copy of Natural Resource Assessment dated May 13, 2013
- J. Copy of Stormwater Report prepared by AKS Engineering
- K. Clean Water Service Provider Letter dated July 1, 2013

**END OF REPORT**

